

## REMARKS

By the present amendment and remarks, Applicants respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

### Summary of the Amendments

By the foregoing amendment, claims 1-5, and 9-10 are amended, whereby claims 1-14 remain pending, and claim 14 is withdrawn from consideration. Of the pending claims, claims 1, 9, and 14 are independent.

Applicants have amended claims 1 and 9 by changing “sleeve-like” to “sleeve shaped.” Further, claims 2-5 and 10 have been amended to even more clearly recite, structurally, the liquid bag of the present invention. Support for the amendments to claims can be found in the originally filed specification and claims. Applicants submit that no new matter has been added.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

### *Claim of Priority*

Applicants thank the Examiner for acknowledging Applicants' claim of priority to Japanese Application No. 2002-216825.

**Information Disclosure Statement**

Applicants thank the Examiner for consideration of the Information Disclosure Statement filed May 6, 2005.

**Restriction Requirement**

Applicants note that the restriction requirement described in the paper of January 4, 2006 has been made final. However, Applicants respectfully request reconsideration in view of the arguments submitted February 6, 2006, or at least withdrawal of the restriction and rejoinder of the withdrawn claims if the case is allowable.

**Response to Rejections****1. Response to Rejection under 35 U.S.C. § 112, second paragraph**

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Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

In response, while Applicants submit that the claims as originally filed are clear and definite, in order to advance prosecution Applicants have amended claims 1 and 9 by changing "sleeve-like" to "sleeve shaped." Therefore, Applicants submit that claims 1-13 are clear and definite and respectfully request withdrawal of the rejection of claims 1-13 under 35 U.S.C. § 112, second paragraph.

## **2. Response to Rejections under 35 U.S.C. § 102(b)**

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Claims 1-8 are rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S. Pat. No. 4,061,698 ("THORNWALD").

In response to the anticipation rejections, Applicants note that a rejection under 35 U.S.C. § 102 can only be maintained if every element of the rejected claim is found in a single prior art document.

Applicants note that THORNWALD fails to disclose every element of the rejected claim. Specifically, THORNWALD fails to disclose at least a "bag main body constructed of a flexible thermoplastic resin sheet..." and a "mouth member ... including a first flow path and a second flow path..." as recited in claim 1. Therefore, for at least these reasons, THORNWALD fails to anticipate the presently claimed invention.

In contrast with the claims of the present application, Applicants note differences between the present claims and THORNWALD. First, Applicants note that claim 1 is directed to at least "[a] liquid bag comprising: a bag main body ... constructed of a flexible thermoplastic resin sheet ... and a mouth member..." Thus, the liquid bag of the present invention comprises "a flexible thermoplastic resin sheet." Among other things, the liquid bag as claimed can be used as a humidifier or nebulizer since the mouth member is of strength sufficient to sealingly connect to connecting portions (for example, connecting portion 52 and main connecting portion 53 in Fig. 7, or connecting device 62 and drain pipe

63 in Fig. 8), and the liquid bag is convenient to carry around and discard since the bag main body can be folded to a small size.

On the other hand, the humidifier-nebulizer of THORNWALD comprises the liquid reservoir 12 and the adapter head 14, wherein the liquid reservoir 12 corresponds to the liquid bag of the present invention. (see col. 3, lines 29-41 of THORNWALD). Further, the Office Action states that THORNWALD discloses a “molded thermoplastic liquid container...” (Office Action, p. 3). Therefore, it would appear that the liquid reservoir 12 is incapable of being flexible since at least part of the liquid reservoir 12 needs strength sufficient to sealingly connect to the adapter head 14. In this regard, the reservoir 12 would not be convenient to carry around and discard, and further, the reservoir is not “a flexible thermoplastic resin sheet” as presently claimed. Accordingly, THORNWALD fails to disclose at least “a flexible thermoplastic resin sheet” as recited in claim 1.

Second, regarding the first L-shaped flow path (22) in THORNWALD, it appears the flow path 22 is not part of the mouth member, but instead is part of the main body itself (12). (See, e.g., FIG. 6, numerals 12 and 22). In this regard, Applicants note that THORNWALD does not appear to disclose a “mouth member ... including a first flow path and a second flow path” as in claim 1. Therefore, THORNWALD fails to at least disclose a “mouth member ... including a first flow path and a second flow path...” as recited in claim 1 because the first flow path (22) in THORNWALD is a part of the main body (12) and not a part of the mouth member.

With respect to dependent claims 2-8 as rejected under THORNWALD, Applicants submit that because THORNWALD does not disclose all the recitations of claim 1, claims 2-8 are therefore patentable because they depend from claim 1 which is also patentable, as demonstrated above.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1-8 as being unpatentable over THORNWALD.


### CONCLUSION

In view of the foregoing, it is submitted that none of the cited documents of record, either taken alone or in any proper combination thereof, anticipates or renders obvious the Applicant's invention, as recited in each of claims 1-14. In addition, the applied cited documents of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

Respectfully Submitted,  
Mitsuru CHIBA

  
Bruce H. Bernstein  
Reg. No. 29,027

Stephen M. Roylance  
Reg. No. 31,296